

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CONCEPTS IN PRODUCTION, LLC

PLAINTIFF

v.

CIVIL ACTION NO. 1:17-cv-118-DMB-DAS

JUSTIN JOINER

DEFENDANT

ORDER DENYING MOTION TO COMPEL

Before the court is the Plaintiff's Motion to Compel SLM Solutions NA, Inc. ("SLM") to comply with a subpoena duces tecum issued from this court by Plaintiff's attorney on November 8, 2017, and served on November 14, 2017.

The court finds that the instant motion to compel should be denied. Rule 45(a)(2) requires that "[a] subpoena must issue from the court where the action is pending." Fed. R. Civ. P. 45(a)(2). However, if "[a] person commanded to produce documents or tangible things" objects, "the serving party may move the court for the district where compliance is required for an order compelling production or inspection." Rule 45(d)(2)(B)(i). The subpoena duces tecum was served on SLM, a non-party, in Wixom, Michigan and commanded SLM to produce the requested documents and/or objects at Seglund, Gabe, Pawlak & Groth, PLC in Wixom, Michigan. Therefore, while the subpoena properly issued from this court, where the action is pending, the court of compliance presides over disputes concerning production. *See Johnson v. Simmons*, 2015 WL 2155714 at * 1 (S.D. Miss. May 7, 2015) (citing *Martensen v. Kock*, 301 F.R.D. 562, 586 (D. Colo. 2014)).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel [32] is DENIED.

SO ORDERED, this the 4th day of December, 2017.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE